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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GOLINKOFF, JORDAN

ART UNIT PAPER NUMBER

2174

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/940,237

Applicant(s)

LIF, ITZHAK

Examiner

Jordan S Golinkoff

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 12-13 – Applicant states, “The subscriber is also asked to bring N (a number) or specific referrers” (page 12, lines 4-5) A referrer is someone who refers as opposed to someone who is referred. In the context of applicant’s specification, it seems that a more appropriate term to use would be a referee as opposed to a referrer. Examiner will assume in examining the application that the applicant intended for a subscriber to bring N specific *referees* and that these *referees* need to meet specified criteria.

Appropriate correction is required.

Claim Objections

2. Claims 24-30 are objected to because of the following informalities:

Claims 24-30 all contain the word “referrer.” As mentioned in the remarks concerning the specification, referrer should be changed to referee. Examiner will interpret claims having to word referrer to mean referee for the examination of this application.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2174

4. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 3 is directed to a "compiled image." However, the specification does not disclose what is meant by "compiled image." Examiner will assume that compiled image refers to any image that the matchmaking method displays.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Match.com ("Match," <http://www.match.com>, pages 1-18) in further view of Brunelli et al. ("Brunelli," US005764790A).

As per independent claim 1, Match teaches a method for image-based matchmaking of a searcher and prospective candidates (page 1, §Post a Free Profile), the method comprising: (a) providing an image of each of the candidates (page 1, §Post a Free Profile). Match does not disclose (b) analyzing said image of each the candidates to define physical characteristics; (c) storing said physical characteristics, and (d) selecting at least one potential match between the searcher and said candidates based on said characteristics.

Art Unit: 2174

Brunelli teaches (b) analyzing said image of each the candidates to define physical characteristics (column 3, lines 64-67); (c) storing said physical characteristics (column 4, lines 1-2, *i.e. a database*), and (d) selecting at least one potential match between the searcher and said candidates based on said characteristics (column 7, lines 6-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Match with a means to analyze and store the physical characteristics of users and select potential matches using a search, as taught by Brunelli, with the motivation to reduce the search time and find better matches in an image based search environment (column 3, lines 23-28).

As per claim 2, which is dependent on claim 1, Match teaches (e) displaying said image of each said potential match (page 4, *users can add pictures to their profiles*).

As per claim 3, which is dependent on claim 2, Match teaches that the image is a compiled image (page 4).

As per claim 4, which is dependent on claim 3, Match teaches (f) selecting a matching candidate for the searcher based on said displaying of said image (page 1, *users can browse and select potential matches based on their uploaded photographs*).

As per claim 5, which is dependent on claim 1, Match teaches that the selecting is performed using at least one pre-defined selection criterion (page 8, §What is Search?).

As per claim 6, which is dependent on claim 5, Match teaches that the said selecting is performed by a computer (*match.com's search is performed by a computer*).

As per claim 7, which is dependent on claim 6, Match teaches that the at least one pre-defined selection criterion includes a criterion of like physical characteristics between the searcher and the prospective candidates (page 8, §What is Search?).

Art Unit: 2174

As per claim 8, which is dependent on claim 6, Match teaches that the at least one pre-defined selection criterion includes a selection criterion based on correlative data on matching preferences (page 10, §How do I create a profile, *compare profiles with other users to find the best matches*).

As per claim 9, which is dependent on claim 6, Match teaches that the at least one pre-defined selection criterion includes at least one selection preference obtained from the searcher (page 8, §What is Search?).

As per claim 10, which is dependent on claim 1, Brunelli teaches that the image is constructed from a set of physical appearance information of one of the candidates (column 7, lines 20-26).

As per claim 11, which is dependent on claim 10, Match teaches that the set of physical appearance information is obtained from a questionnaire pertaining to one of the candidates (page 10, §How do I create a profile).

As per claim 12, which is dependent on claim 11, Match teaches that the questionnaire provides physical profile building information (page 10, §How do I create a profile and page 8, §What is Search).

As per claim 13, which is dependent on claim 12, Match teaches (e) building and displaying a physical profile for each said potential match (page 4, *search using physical descriptions and display image of possible matches*).

As per claim 14, which is dependent on claim 1, Brunelli teaches that analyzing said image includes quantification of said physical characteristics (column 5-6, lines 64-3).

Art Unit: 2174

As per claim 15, which is dependent on claim 14, Brunelli teaches that analyzing of said physical characteristics is carried out according to a degree of likeness (column 7, lines 6-13, *i.e. – search is based on disparity between features*).

As per claim 16, which is dependent on claim 1, Match teaches that providing an image of each of the candidates is accomplished by filling out a form (page 7, §Upload a Photo, *users can upload photographs using a form*).

As per claim 17, which is dependent on claim 16, Match teaches that the form is a questionnaire (page 10, §How Do I Create a Profile?).

As per claim 18, which is dependent on claim 16, Match teaches that the form is filled out by the subscriber to a system based on said matchmaking method (page 10, §How Do I Create a Profile?).

As per claim 19, which is dependent on claim 1, Brunelli teaches that step (a) is accomplished by analyzing at least one picture using a computer (column 3, lines 48-51).

As per claim 20, which is dependent on claim 1, Match teaches that providing an image of each of the candidates includes acquiring visual information selected from the group consisting of two dimensional and three dimensional information (page 6, §What are the Guidelines for Posting a Photo?, *candidates can upload pictures, i.e. two dimensional representations of three dimensional information*).

As per claim 21, which is dependent on claim 20, Brunelli teaches that acquiring information includes acquiring facial information (column 5, lines 63-65).

Art Unit: 2174

As per claim 22, which is dependent on claim 20, Brunelli teaches that acquiring information includes acquiring body information (column 5, lines 63-65, *the face is a part of the body and therefore is body information*).

As per claim 23, which is dependent on claim 1, Match teaches (e) providing statistical data on each of the candidates (page 17, §Express Yourself and Find Your Match, *Match compares profiles to find best matches*).

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Match.com ("Match," <http://www.match.com>, pages 1-18, March 2, 2001) further in view of Brunelli et al. ("Brunelli," US005764790A) and further in view of Asimba.com ("Asimba," <http://web.archive.org/web/20000511183935/www.asimba.com/asm/Home>, pages 1-2, May 11, 2000).

As per claim 24, which is dependent on claim 1, the teachings of the combination of Match and Brunelli in regards to claim 1 have been discussed above. The combination of Match and Brunelli do not disclose providing at least one referee by the searcher.

Asimba teaches providing at least one referee by the searcher (page 2, §Friends and Fleece). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of the combination of Match and Brunelli with a means for a user to refer others to a website, as taught by Asimba, with the motivation to increase the number of users of a website's services.

Allowable Subject Matter

8. Claims 25-30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations

Art Unit: 2174

of the base claim and any intervening claims. Prior art does not disclose referring other users by asking other users that meet certain predetermined criteria to write recommendations for a current user and then soliciting these recommendation writers to join a website community.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Collins et al. (US005963951A) also teach an image based internet dating service.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan S Golinkoff whose telephone number is 703-305-8771. The examiner can normally be reached on Monday through Thursday from 8:30 a.m. to 6:00 p.m. and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jordan Golinkoff
Patent Examiner
April 13, 2004

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